

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MATTHEW M. PIERCEY,
Defendant.

No. 2:20-cr-00211-TLN

RELATED CASE ORDER

UNITED STATES OF AMERICA,
Plaintiff,
v.
KENNETH WINTON,
Defendant.

No. 2:20-cr-00216-KJM

The Court has reviewed the Government's Notice of Related Cases, filed November 16, 2020. (ECF No. 7.) Examination of the above-captioned actions reveals that they are related within the meaning of Local Rule 123 (E.D. Cal. 1997). Under Local Rule 123, two actions are related when they involve the same parties and are based on a same or similar claim; when they involve the same transaction, property, or event; or when they "involve similar questions of fact

1 and the same question of law and their assignment to the same Judge . . . is likely to effect a
2 substantial savings of judicial effort.” L.R. 123(a). Further,

3 [i]f the Judge to whom the action with the lower or lowest number has been assigned
4 determines that assignment of the actions to a single Judge is likely to effect a
5 savings of judicial effort or other economies, that Judge is authorized to enter an
order reassigning all higher numbered related actions to himself or herself.

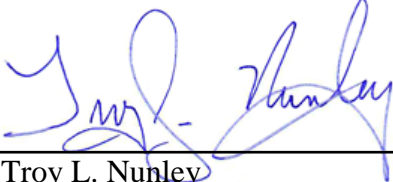
6 L.R. 123(c).

7 In the first case, Piercey has been indicted by a grand jury in connection with an
8 investment fraud scheme involving Family Wealth Legacy, Zolla, and Company 3 from 2015
9 through 2020. Case No. 2:20-CR-00211-TLN. In that indictment it is alleged that Piercey and
10 Winton were co-schemers, including in relation to the portion of the investment fraud scheme
11 involving the Zolla companies. *See id.* In the second case, Winton has been charged by criminal
12 information with conspiracy to commit mail fraud from 2018 through 2020, including particularly
13 in connection with the Zolla companies. Case No. 2:20-cr-00216-KJM. In his criminal
14 information, Winton is alleged to have conspired with Piercey in connection with the investment
15 fraud scheme. *See id.*

16 Based on the foregoing, the two cases should be related under Local Rule 123 because the
17 cases involve similar claims and overlapping transactions and events. In addition, both cases are
18 likely to involve similar questions of fact and law. Accordingly, the Court finds there is sufficient
19 overlap in both cases to merit relating them, and assignment to the same Judge will save judicial
20 resources and effort.

21 IT IS THEREFORE ORDERED that the action denominated No. 2:20-cr-00216-KJM be
22 reassigned to District Judge Troy L. Nunley, and the caption shall read No. 2:20-cr-00216-TLN.
23 Any dates currently set in No. 2:20-cr-00216-KJM are hereby VACATED.

24 DATED: November 16, 2020

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Troy L. Nunley
United States District Judge